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ATTORNEYS AT LAW

July 3, 2014

By ECF

Hon. James C. Francis
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Silva v. Cofresi, 13 Civ. 3200 (CM) (JCF)

Dear Judge Francis:

We are co-counsel for Plaintiff Julian Silva in the above-captioned action. Please allow this letter to serve as our opposition to Defendant's July 2, 2014, letter (ECF No. 38) requesting additional time to respond to Plaintiff's Motion to Strike (ECF No. 33).

Federal Rule of Civil Procedure 6(b)(1)(A) provides that a court may extend the time to respond to a motion "for good cause." In short, Defendant's letter fails to offer good cause supporting an extension of time to respond. Indeed, Defendant's letter merely attempts to explain its non-compliance with this Court's prior discovery orders in this case – a matter that is addressed at length in Plaintiff's Motion to Strike. As described therein, Defendant's various travels do not excuse his failure to comply with discovery obligations, including responding to discovery requests that were first served in October of 2013.

Defendant's letter actually offers no explanation nor excuse for his failure to timely respond to the Motion to Strike, noting only that he "overlooked it", but noting also that he previously "in error" claimed to have never received the motion served through the Court's ECF system. Defendant's insufficient request is even more apparent when this court considers that the Motion to Strike was itself necessitated by Defendant's repeated failure to satisfy his discovery obligations and failure to even feign compliance with this Court's prior orders.

As such, we write to respectfully request the Court to consider Plaintiff's motion ready for ruling and avoid yet further undue delay. We thank this Honorable Court for its courtesy and consideration.

Respectfully,

Peter C. Dee

CC Via ECF: Lowell B. Davis
Counsel for Defendant